

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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TECHNOLOGY LICENSING
CORPORATION,

Plaintiff,

v.

TECHNICOLOR USA, INC.,

Defendant.

NO. CIV. 2:03-1329 WBS EFB

ORDER RE: EX PARTE MOTION TO
REOPEN CASE

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Plaintiff Technology Licensing Corporation brought this action against defendant Technicolor USA, Inc., for patent infringement. Defendant then filed a counterclaim for declaratory judgment of non-infringement, declaratory judgment of patent invalidity, and breach of covenant not to sue. On March 28, 2011, plaintiff filed a Notice of Acceptance of defendant's Rule 68 Offer of Judgment (Docket No. 326), and the Clerk entered judgment accordingly. (Docket No. 327.) Although the judgment applied only to plaintiff's claims against defendant, the clerk administratively closed the entire case. Defendant now moves the

1 court to reopen the case with respect to defendant's
2 counterclaims. (Docket No. 329.)

3 The parties seem to agree that defendant's claim for
4 declaratory judgment of non-infringement was extinguished by the
5 Rule 68 Offer of Judgment. Plaintiff's only ground for opposing
6 the motion is that the court does not have subject matter
7 jurisdiction over the remaining counterclaims. The question of
8 jurisdiction, however, is distinct from the administrative
9 reopening of the case. Plaintiff is free to make its
10 jurisdictional argument in a separate motion. Accordingly, the
11 court will grant defendant's motion to reopen the case.

12 IT IS THEREFORE ORDERED that defendant's ex parte
13 motion to reopen the case is GRANTED. The Clerk is instructed to
14 reopen the case.

15 Defendant's Motion to Adopt Part 1 of the Special
16 Master's Report and Recommendations is RESET for July 5, 2011, at
17 2:00 p.m. in Courtroom No. 5.

18 The court's February 14, 2011, Order amending the
19 scheduling order (Docket No. 323) is further amended as follows:
20 The parties shall disclose experts and produce reports in
21 accordance with Federal Rule of Civil Procedure 26(a)(2) by no
22 later than September 1, 2011. With regard to expert testimony
23 intended solely for rebuttal, those experts shall be disclosed
24 and reports produced in accordance with Federal Rule of Civil
25 Procedure 26(a)(2) on or before October 3, 2011. All discovery
26 shall be completed by November 7, 2011. All pretrial motions
27 shall be filed by December 6, 2011. The Final Pretrial
28 Conference is RESET for February 21, 2012, at 2:00 p.m. in

1 Courtroom No. 5. The trial is RESET for April 17, 2012, at 9:00
2 a.m. in Courtroom No. 5.

3 IT IS SO ORDERED.

4 DATED: May 4, 2011

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7 WILLIAM B. SHUBB

8 UNITED STATES DISTRICT JUDGE
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